

## **R E M A R K S**

Claims 8-12 are pending in the application. Claims 1-7 are cancelled.

Claim 11 has been cancelled herein.

Claims 8-12 stand rejected under 35 USC 103(a) as being obvious over SS7 from both the “access points on narrowband data circuits...” white papers and CCS #7 Network Dependability Studies: Phase 2 in view of Kikuchi, et al. (US 6,584,563) (Kikuchi) and further in view of Applicants Admitted Prior Art (AAPA).

### In the Drawing Figures:

Enclosed Replacement figures 8-11 are designated as prior art.

### IDS:

It's asserted in the Office Action that the IDS filed concurrently with the present application fails to comply with 37 CFR 1.98(a)(3).

Applicant's would like to point out the second paragraph of the “Information Disclosure Statement” submitted with the 1449 form (copies attached herewith). It states:

“As these documents are written in a language other than English, English language abstracts are annexed thereto explaining its relevancy in accordance with 37 CFR §1.98 (a)(3).”

In reviewing the private pair system, the English language abstracts were received and scanned into the IFW.

It is respectfully requested the documents submitted in the IDS be considered and the initialed 1449 form indicating this be returned.

### Claims:

Independent claims 8 and 12 have been amended herein to clarify applicant's claimed invention corresponding to description in the paragraphs on page 10 line 25 through page 13, line 6 of applicant's specification. Claim 11 is cancelled. No new matter is entered.

In the amendment, it is recited that the central management and control equipment is connected to the first piece of switching equipment through a separate network different from the public network.

In dependent claims 9 and 10 the separate network is defined as a No. 7 common channel network.

It is respectfully submitted the combination of features of the central management and control equipment and the first piece of switching equipment are not described or detailed in any of the references.

In addition in the Office Action with regard to prior claims 9-11 no reference is provided to show these features. The examiner admits the combination of references fails to teach each and every feature however the examiner just states that it would be obvious.

However by not providing any reference the applicant is deprived the opportunity to judge this assertion by in addition to judge any motivation to combine the references. In the Office Action a combination of four references are used in rejecting the claims in addition to the statement of just being obvious.

Although it is contended that the combination of references fails to show each and every feature of the claimed invention it is also submitted that applicant claims a unique combination of features. One skilled in the art would not be motivated to make such a combination as proposed in the office action. In other words there is no clear basis for making such a

combination of features other than by using applicants own disclosure as a road map in order to make such a combination.

There is no suggestion which would lead one skilled in the art to make such a combination of prior art. Thus even if all the elements were present in the cited references, it is well-established that a combination of limitations, some of which separately may be known, may be a new combination of limitations which is nonobvious under the condition of 35 U.S.C. 103.

Moreover, “an examiner may often find every element of a claimed invention in the prior art.” *In re Rouffet*, 47 USPQ3d 1453, 1457 (Fed. Cir. 1998) (reversing PTO obviousness rejection based on lack of suggestion or motivation to combine reference). Therefore even if every element of a claimed invention is in the combined prior art there must be some suggestion or motivation to combine the references. “Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form must nevertheless be ‘clear and particularity.’” *In re Dembiscak*, 175 F.3d 994, 999 (CAFC 1999).

The only such suggestion provided has been from applicant’s own disclosure. Also the Office Action only recites that it is “obvious” without providing any reference to judge this assertion by. It is respectfully requested that a reference be provided which shows the claimed features.


In view of at least the foregoing it is respectfully requested the rejection be withdrawn and the claims be placed in condition for allowance.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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IN THE DRAWINGS:

Enclosed are formal replacement sheets for Figures 8-11. as shown in red on the copy of the drawings attached. Specifically, Figs. 8-11 have been designated with the legend "Prior Art."